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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,654	10/06/2000	David Allison Bennett	PSTM0015/MRK	9943
29524 7590 11/18/2008 KHORSANDI PATENT LAW GROUP, A.L.C. 140 S. LAKE., SUITE 312 PASADENA, CA 91101-4710				
EXAMINER PLUCINSKI, JAMISUE A				
ART UNIT 3629		PAPER NUMBER		
MAIL DATE 11/18/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: DAVID ALLISON BENNETT, LYNN SHAINDELL
GOLDHABER, LORY ELIZABETH KRETT, WILLIAM W. SMITH III,
PAUL BILIBIN, and CHARLES D. MENTZER

Application No. 09/680,654
Technology Center 3600

Mailed: 18 November 2008

Before LAWRENCE J. BANKS *Paralegal Specialist*
BANKS, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 29, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

Section §1207.02 of the *Manual of Patent Examining Procedure*

(MPEP) (Eighth Edition, Rev. 6, September 2007) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . .

- (8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

The Examiner's Answer mailed November 30, 2006, is deficient because the "Evidence Relied Upon" section fails to include the reference(s) Kara (US 6,233,568), USP® Service Guide (www.ups.com) and FedEx® Services (www.fedex.com), and Barnett (US 6,369,840), cited on page(s) 3-6 in the Examiner's Answer's grounds of rejection of claims 1-21, 26-52, and 57-70 under 35 USC § 103(a).

Appropriate correction is required.

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to issue a PTO-90 citing the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- 2) for such further action as may be required.

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